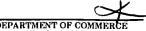


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APPLICATION NO.	FILING DATE -	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/088,155	03/12/2002	Jiri Nesveda	321402000200	9945	
7.	590 09/11/2003				
Kawai Lau			EXAMINER		
	entre Drive Suite 500		MILLER, EI	MILLER, EDWARD A	
San Diego, CA	92130-2332		ART UNIT PAPER NUMBE		
			3641		
			DATE MAILED: 09/11/2003	DATE MAILED: 09/11/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

			111
	Application No.	Applicant(s)	
Advisory Action	10/088,155	NESVEDA ET AL.	
,	Examiner	Art Unit	
•	Edward A. Miller	3641	
The MAI! ING DATE of this communication appe	ars on the cover sheet with the o	correspondence addr	ess
THE REPLY FILED 25 August 2003 FAILS TO PLACE Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appel Examination (RCE) in compliance with 37 CFR 1.114.	void abandonment of this application in the same of th	cation. A proper rep ich places the applic	ly to a ation in
PERIOD FOR RE	PLY [check either a) or b)]		
a) The period for reply expiresmonths from the mailing of			
b) The period for reply expires on: (1) the mailing date of this Adverse, however, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).	an SIX MONTHS from the mailing date o	f the final rejection.	
Extensions of time may be obtained under 37 CFR 1.136(a). The darnave been filed is the date for purposes of determining the period of extensions of the shortened (b) above, if checked. Any reply received by the Office later than three moleaned patent term adjustment. See 37 CFR 1.704(b).	sion and the corresponding amount of the statutory period for reply originally set in	e fee. The appropriate extention from the final Office action; or (ension fee under 2) as set forth in
1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CF	s Brief must be filed within the pR 1.191(d)), to avoid dismissal	period set forth in of the appeal.	
2. The proposed amendment(s) will not be entered be	ecause:		
(a) X they raise new issues that would require further	er consideration and/or search ((see NOTE below);	
(b) X they raise the issue of new matter (see Note to	pelow);		
(c) they are not deemed to place the application i issues for appeal; and/or	in better form for appeal by mat	erially reducing or si	mplifying the
(d) they present additional claims without cancel	ing a corresponding number of	finally rejected claim	ıs.
NOTE: <u>See next page</u> .			
3. Applicant's reply has overcome the following reject	· · · ——		
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a s	separate, timely filed	amendment
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request fo application in condition for allowance because:		sidered but does NO	T place the
6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	cause it is not directed SOLELY	to issues which wer	e newly
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we			and an
The status of the claim(s) is (or will be) as follows:			
Claim(s) allowed:			
Claim(s) objected to:			
Claim(s) rejected: <u>1-3,5,7 and 11-18</u> .			
· Claim(s) withdrawn from consideration: 19-22.			
8. \square The proposed drawing correction filed on is	a) approved or b) disap	proved by the Exam	iner.
9. Note the attached Information Disclosure Stateme	nt(s)(PTO-1449) Paper No(s).	·	
10. Other:			

Application/Control Number: 10/088,155

Art Unit: 3641

1. The amendment filed August 25, 2003 under 37 CFR 1.116 in reply to the final rejection has

been considered but is not deemed to place the application in condition for allowance and will not

be entered because:

a. The proposed amendment is not deemed to place the application in better form for

appeal by materially simplifying the issues for appeal.

b. There is no convincing showing under 37 CFR 1.116(b) why the proposed

amendment is necessary and was not earlier presented.

c. The proposed amendment raises new issues that would require further consideration

and/or search. The changes to the content of the claims would require reexamination as to

prior art and possibly new search. The new phrase "free of a dinol type explosive" raises

new issues of new matter and indefiniteness. The specification as referred to relates to the

content of the "energy system", not to the entire composition, whereby the question of new

matter exists and must be reexamined. Further, the recitation of "type" raises an issue of

indefiniteness and an issue of lack of adequate disclosure as to what a "dinol type" explosive

includes. These are exemplary reasons for non-entry of the proposed amendment.

2. Any inquiry concerning either this or an earlier communication from the Examiner should

be directed to Examiner Edward A. Miller at (703) 306-4163. Examiner Miller may normally be

reached Monday-Thursday, from 10 AM to 7 PM.

If attempts to reach Examiner Miller by telephone are unsuccessful, his supervisor Mr.

Carone can be reached at (703) 306-4198.

If there is no answer, or for any inquiry of a general nature or relating to the application

status, please call the Group receptionist at (703) 308-1113.

Miller/em September 9, 2003 EDWARD A. MILLER PRIMARY EXAMINER Page 2